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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2013-195**

12 **JANET K. KING,**
13 **aka JANET KAY KING**
14 **4140 N. 27th Street, #107**
Phoenix, AZ 85016

ACCUSATION

15 **Registered Nurse License No. 387775**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about August 31, 1985, the Board issued Registered Nurse License Number
23 387775 to Janet K. King, also known as Janet Kay King ("Respondent"). Respondent's registered
24 nurse license was in full force and effect at all times relevant to the charges brought herein and
25 will expire on February 28, 2013, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2761 states, in pertinent part:

4 The board may take disciplinary action against a certified or licensed
5 nurse or deny an application for a certificate or license for any of the following:

6 (a) Unprofessional conduct, which includes, but is not limited to, the
7 following:

8

9 (4) Denial of licensure, revocation, suspension, restriction, or any other
10 disciplinary action against a health care professional license or certificate by another
11 state or territory of the United States, by any other government agency, or by another
12 California health care professional licensing board. A certified copy of the decision
13 or judgment shall be conclusive evidence of that action . . .

14 COST RECOVERY

15 5. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 CAUSE FOR DISCIPLINE

20 (Disciplinary Action by the Arizona State Board of Nursing)

21 6. Respondent is subject to disciplinary action pursuant to Code section 2761,
22 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
23 Arizona State Board of Nursing ("Arizona Board"), as follows: On or about February 6, 2012,
24 pursuant to Consent Agreement and Order No. 1011015 in the disciplinary proceeding titled "In
25 the Matter of Registered Nurse License No. RN142826 Issued to: Janet Kay King", the Arizona
26 Board ordered that a Decree of Censure be entered against Respondent's Arizona registered nurse
27 license. A true and correct copy of Consent Agreement and Order No. 1011015 is attached as
28 Exhibit A and incorporated herein. Respondent admitted the Findings of Fact set forth in
paragraphs 7 through 11 below.

7. On or about November 8, 2010, the Arizona Board received a complaint against
Respondent's license from the Administrative Representative nurse at Scottsdale Healthcare in

1 Scottsdale, Arizona, alleging that Respondent had failed to medicate her assigned patients and
2 had also refused to submit to a urine drug screen (UDS) on October 30, 2010. Based upon the
3 complaint, the Board conducted an investigation.

4 8. On or about October 30, 2010, Respondent was assigned to work at Scottsdale
5 Healthcare Hospital by her employer Concentra Registry.

6 9. According to the Administrative Representative, Respondent had failed to administer
7 scheduled medications to her patients, had not charted on her patients, and was administering
8 narcotics without scanning and checking the physician's orders.

9 10. According to the Administrative Representative, on or about October 30, 2010,
10 Respondent removed Benadryl 25 mg from the Pyxis at 2206 and again at 2215 for the same
11 patient. The Pyxis report reflected Benadryl 25 mg as missing. Respondent did not recall if she
12 had administered the Benadryl 25 mg to the patient. When Respondent got home that night, she
13 found a Benadryl 25 mg in her pocket.

14 11. On October 30, 2010, Respondent was requested to undergo a UDS, but refused.

15 **MATTERS IN AGGRAVATION**

16 12. To determine the degree of discipline to be assessed against Respondent, if any,
17 Complainant alleges as follows: On June 9, 2003, pursuant to the Stipulated Settlement and
18 Disciplinary Order adopted by the Board (California Board of Registered Nursing) as its Decision
19 in the disciplinary proceeding titled, "In the Matter of the Accusation Against: Janet K. King",
20 Case No. 2002-27, the Board revoked Respondent's license effective July 9, 2003. The
21 revocation was stayed and Respondent was placed on probation for three (3) years on terms and
22 conditions. Respondent admitted that while on duty as a registered nurse at Desert Regional
23 Medical Center, Palm Springs, California, she unlawfully obtained, possessed, and self-
24 administered the controlled substance Demerol, used Demerol to an extent or in a manner
25 dangerous or injurious to herself and others, and falsified or made grossly incorrect and grossly
26 inconsistent entries in hospital and patient records. Respondent also admitted that she committed
27 dishonest, fraudulent, and deceitful acts, committed acts constituting gross negligence by virtue of
28 her acts or omissions set forth above, and was convicted of a crime which is substantially related


1 to the qualifications, functions and duties of a registered nurse (Respondent was convicted of
2 driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision
3 (a), on November 7, 1995, in San Mateo County Municipal Court, Case No. SM271242A).

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 387775, issued to Janet
8 K. King, also known as Janet Kay King;
- 9 2. Ordering Janet K. King, also known as Janet Kay King, to pay the Board of
10 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
11 pursuant to Business and Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: SEPTEMBER 20, 2012

for 
15 LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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EXHIBIT A

Consent Agreement and Order No. 1011015

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED
NURSE LICENSE NO. RN142826
ISSUED TO:

JANET KAY KING
RESPONDENT

DECREE OF CENSURE

CONSENT AGREEMENT
AND ORDER NO. 1011015

A complaint charging Janet Kay King ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F) (5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license no. RN142826.
2. On or about November 8, 2010, the Board received a complaint against Respondent's license from the Administrative Representative nurse at Scottsdale Healthcare in Scottsdale, Arizona alleging that Respondent had failed to medicate her assigned patients and had also refused to submit to a urine drug screen (UDS) on October 30, 2010. Based upon the complaint the Board conducted an investigation.
3. On or about October 30, 2010, Respondent was assigned to work at Scottsdale Healthcare Hospital by her employer Concentra Registry.

4. According to the Administrative Representative, Respondent had failed to administer the scheduled medications to her patients, had not charted on her patients, and was administering narcotics without scanning and checking the physician's orders.

5. According to the Administrative Representative, on or about October 30, 2010, Respondent removed Benadryl 25 mg. from the pyxis at 2206 and again at 2215 for the same patient. The pyxis report reflected Benadryl 25 mg. as missing. Respondent did not recall if she had administered the Benadryl 25 mg. to the patient. When Respondent got home that night she found a Benadryl 25 mg. in her pocket.

6. On October 30, 2010, Respondent was requested to undergo a UDS but refused.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D); A.R.S. § 32-1601 (18) (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), and (j), (Violating a rule that is adopted by the Board pursuant to this chapter); (effective September 30, 2009): specifically:

A.A.C. § R4-19-403 (16) (Removing without authorization, a narcotic, drug, controlled substance supply, equipment, or medical record from any health care facility, school, institution, or other work place location), (effective January 31, 2009).

A.A.C. § R4-19-403 (31) (Practicing in any other manner that gives the Board reasonable cause to believe that health of a patient or the public may be harmed), (effective January 31, 2009);

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a registered nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or agents arising out of this matter.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the

date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

*I do not agree but am
signing for*

Respondent

Dated: 2-6-2012

ARIZONA STATE BOARD OF NURSING

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*Joey Ridenour, R.N., M.N., F.A.A.N.
Executive DirectorDated: November 15, 2011

TORREZ/RN142826.KING

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provision and penalties imposed as follows:

1. Respondents consent to the terms and conditions of this Order and waiver of public hearing are accepted.

2. It is ordered that a DECREE OF CENSURE be entered against license no. RN142826, held by Respondent.

SEAL

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*Joey Ridenour, R.N., M.N., F.A.A.N.
Executive DirectorDated: November 15, 2011

JRSRT:ts

• COPY mailed this 21st day of November, 2011, by First Class Mail to:

Janet Kay King
905 Chimo CT
Virginia Beach, VA 23454

By: Trina Smith
Legal Secretary

EXECUTED SEALED COPIES mailed this 9th day of February, 2012, by First Class Mail to:

Janet Kay King
905 Chimo CT
Virginia Beach, VA. 23454

By: Trina Smith
Legal Secretary

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JANET K. KING
75 Lakeview Circle
Cathedral City, CA 92234

Case No. 2002-27

OAH No. L-2001110498

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 9, 2003.

It is so ORDERED June 9, 2003.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN FITZGERALD, State Bar No. 112278
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3 California Department of Justice
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5 P.O. Box 85266
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7

8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 JANET K. KING
13 75 Lakeview Circle
14 Cathedral City, CA 92234

15 Respondent.

Case No. 2002-27

OAH No. L-2001110498

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Susan
23 Fitzgerald, Deputy Attorney General.

24 2. Janet K. King (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

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3. On or about August 31, 1985, the Board of Registered Nursing issued Registered Nurse License No. 387775 to Janet K. King. The license was in full force and effect at all times relevant to the charges brought in Accusation No. 2002-27 and will expire on February 28, 2003, unless renewed.

JURISDICTION

4. First Amended Accusation No. 2002-27 (Accusation) was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on June 25, 2002. Respondent had earlier timely filed her Notice of Defense contesting the original Accusation. A copy of Accusation No. 2002-27 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2002-27. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of the charges and allegations in Accusation No. 2002-27.

///

1 9. Respondent agrees that her registered nursing license is subject to
2 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
3 of discipline as set forth in the Disciplinary Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board of Registered
11 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Board may communicate directly with the Board regarding this stipulation and settlement,
13 without notice to or participation by Respondent. By signing the stipulation, Respondent
14 understands and agrees that she may not withdraw her agreement or seek to rescind the
15 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
16 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
18 the parties, and the Board shall not be disqualified from further action by having considered this
19 matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Disciplinary Order:

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1 residency or practice outside the state.

2 6. **Submit Written Reports.** Respondent, during the period of probation,
3 shall submit or cause to be submitted such written reports/declarations and verification of actions
4 under penalty of perjury, as required by the Board. These reports/declarations shall contain
5 statements relative to Respondent's compliance with all the terms and conditions of the Board's
6 Probation Program. Respondent shall immediately execute all release of information forms as
7 may be required by the Board or its representatives.

8 7. **Provide Decision** - Respondent shall provide a copy of this decision to the
9 nursing regulatory agency in every state and territory in which she has a registered nurse license.

10 8. **Function as a Registered Nurse.** Respondent, during the period of
11 probation, shall engage in the practice of registered nursing in California for a minimum of 24
12 hours per week for 6 consecutive months or as determined by the Board.

13 For purposes of compliance with the section, "engage in the practice of registered
14 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
15 work in any non-direct patient care position that requires licensure as a registered nurse.

16 The Board may require that advanced practice nurses engage in advanced practice
17 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
18 Board.

19 If Respondent has not complied with this condition during the probationary term,
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may
22 grant an extension of Respondent's probation period up to one year without further hearing in
23 order to comply with this condition.

24 9. **Employment Approval and Reporting Requirements.** Respondent
25 shall obtain prior approval from the Board before commencing any employment, paid or
26 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
27 performance evaluations and other employment related reports as a registered nurse upon request
28 of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

10. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-

1 site visits to patients' homes visited by Respondent with or without Respondent present.

2 11. **Employment Limitations.** Respondent shall not work for a nurse's
3 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
4 or for an in-house nursing pool.

5 Respondent shall not work for a licensed home health agency as a visiting nurse
6 unless the registered nursing supervision and other protections for home visits have been
7 approved by the Board. Respondent shall not work in any other registered nursing occupation
8 where home visits are required.

9 Respondent shall not work in any health care setting as a supervisor of registered
10 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
11 nurses and/or unlicensed assistive personnel on a case-by-case basis.

12 Respondent shall not work as a faculty member in an approved school of nursing
13 or as an instructor in a Board approved continuing education program.

14 Respondent shall work only on a regularly assigned, identified and predetermined
15 worksite(s) and shall not work in a float capacity.

16 If Respondent is working or intends to work in excess of 40 hours per week, the
17 Board may request documentation to determine whether there should be restrictions on the hours
18 of work.

19 12. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
20 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
21 than six months prior to the end of her probationary term.

22 Respondent shall obtain prior approval from the Board before enrolling in the
23 course(s). Respondent shall submit to the Board the original transcripts or certificates of
24 completion for the above required course(s). The Board shall return the original documents to
25 Respondent after photocopying them for its records.

26 13. **Cost Recovery.** Respondent shall pay to the Board partial costs
27 associated with its investigation and enforcement pursuant to Business and Professions Code
28 Section 125.3 in the amount of \$10,000. Respondent shall be permitted to pay these costs in a

1 payment plan approved by the Board, with payments to be completed no later than three months
2 prior to the end of the probation term.

3 **14. Violation of Probation.** If Respondent violates the conditions of her
4 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
5 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
6 license.

7 If during the period of probation, an accusation or petition to revoke probation has
8 been filed against Respondent's license or the Attorney General's Office has been requested to
9 prepare an accusation or petition to revoke probation against Respondent's license, the
10 probationary period shall automatically be extended and shall not expire until the accusation or
11 petition has been acted upon by the Board. Upon successful completion of probation,
12 Respondent's license will be fully restored.

13 **15. Physical Examination.** Within 45 days of the effective date of this
14 decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
15 physician assistant, who is approved by the Board before the assessment is performed, submit an
16 assessment of Respondent's physical condition and capability to perform the duties of a
17 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
18 medically determined, a recommended treatment program will be instituted and followed by
19 Respondent with the physician, nurse practitioner, or physician assistant providing written
20 reports to the Board on forms provided by the Board.

21 If Respondent is determined to be unable to practice safely as a registered nurse,
22 the licensed physician, nurse practitioner, or physician assistant making this determination shall
23 immediately notify the Probation Program and Respondent by telephone. Respondent shall
24 immediately cease practice and shall not resume practice until notified by the Probation Monitor.
25 During this period of suspension, Respondent shall not engage in any practice for which a license
26 issued by the Board is required until the Probation Monitor has notified Respondent that a
27 medical determination permits Respondent to resume practice.

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1 16. **Participate in Treatment/Rehabilitation Program for Chemical**

2 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
3 period or shall have successfully completed prior to commencement of probation a Board-
4 approved treatment/rehabilitation program of at least six months. As required, reports shall be
5 submitted by the program on forms provided by the Board. If Respondent has not completed a
6 Board-approved treatment/rehabilitation program prior to commencement of probation,
7 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a
8 program. If a program is not successfully completed within the first nine months of probation,
9 the Board shall consider Respondent in violation of probation.

10 Based on Probation Program recommendation, each week Respondent shall be
11 required to attend at least one, but no more than five 12-step recovery meetings or equivalent
12 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as
13 approved and directed by the Board. If a nurse support group is not available, an additional 12
14 step meeting or equivalent shall be added. Respondent shall submit dated and signed
15 documentation confirming such attendance to the Board during the entire period of probation.
16 Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation
17 program or a licensed mental health examiner and/or other ongoing recovery groups.

18 17. **Abstain from Use of Psychotropic (Mood-altering) Drugs.** Respondent
19 shall completely abstain from the possession, injection or consumption by any route of all
20 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a
21 health care professional legally authorized to do so and are part of documented medical
22 treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by
23 the prescribing physician or dentist, a report identifying the medication, dosage, the date the
24 medication was prescribed, Respondent's prognosis, the date the medication will no longer be
25 required, and the effect on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse and will
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
2 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time limited use of any such substances.

5 The Board may require the single coordinating physician, nurse practitioner, or
6 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
7 addictive medicine.

8 **18. Submit to Tests and Samples.** Respondent, at her expense, shall
9 participate in a random, biological fluid testing or a drug screening program which the Board
10 approves. The length of time and frequency will be subject to approval by the Board.
11 Respondent is responsible for keeping the Board informed of Respondent's current telephone
12 number at all times. Respondent shall also ensure that messages may be left at the telephone
13 number when she is not available and ensure that reports are submitted directly by the testing
14 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
15 to the Board by the program and Respondent shall be considered in violation of probation.

16 In addition, Respondent, at any time during the period of probation, shall fully
17 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
18 tests and samples as the Board or its representatives may require for the detection of alcohol,
19 narcotics, hypnotics, dangerous drugs, or other controlled substances.

20 If Respondent has a positive drug screen for any substance not legally authorized
21 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
22 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
23 from practice pending the final decision on the petition to revoke probation or the accusation.

24 **19. Mental Health Examination.** Respondent shall, within 45 days of the
25 effective date of this decision, have a mental health examination including psychological testing
26 as appropriate to determine her capability to perform the duties of a registered nurse. The
27 examination will be performed by a psychiatrist, psychologist or other licensed mental health
28 practitioner approved by the Board. The examining mental health practitioner will submit a

1 written report of that assessment and recommendations to the Board. All costs are the
2 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
3 result of the mental health examination will be instituted and followed by Respondent.

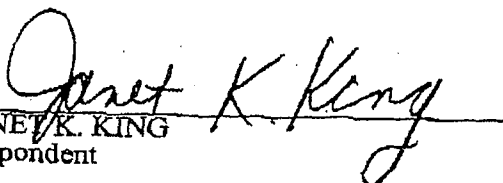
4 If Respondent is determined to be unable to practice safely as a registered nurse,
5 the licensed mental health care practitioner making this determination shall immediately notify
6 the Probation Program and Respondent by telephone. Respondent shall immediately cease
7 practice and may not resume practice until notified by the Probation Monitor. During this period
8 of suspension, Respondent shall not engage in any practice for which a license issued by the
9 Board is required, until the Probation Monitor has notified Respondent that a mental health
10 determination permits Respondent to resume practice.

11 20. **Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals. If she chooses, Respondent may continue her
15 current therapy with Jerry Kunkel, MFT in satisfaction of this requirement, provide that
16 Respondent submits proof to the Board of Mr. Kunkel's current licensure with the Board of
17 Behavioral Sciences and his good standing with that licensing agency.

18 ACCEPTANCE

19 I have carefully read the Stipulated Settlement and Disciplinary Order. I
20 understand the stipulation and the effect it will have on my registered nursing licensing. I enter
21 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
22 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

23 DATED: February 26, 2003.

24
25 
26 JANET K. KING
27 Respondent

28 ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully

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of the State of California
2 RITA LANE MEDELLIN, State Bar No. 171352
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5 P.O. Box 85266
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7 Attorneys for Complainant
8
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 **JANET K. KING**
31850 San Luis Rey, Apt. 74
15 Cathedral City, California 92234

16 Registered Nurse License No. 387775

17 Respondent.

Case No. 2002-27

OAH No. 2001110498

FIRST AMENDED ACCUSATION

18
19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this First Amended Accusation solely in her official
22 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
23 Affairs.

24 2. On or about August 31, 1985, the Board of Registered Nursing issued
25 Registered Nurse License Number 387775 to Janet K. King ("Respondent"). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on February 28, 2003 unless renewed.

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1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 (b) Use any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
5 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
6 injurious to himself or herself, any other person, or the public or to the extent that such use
7 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
8 license.

9 (c) Be convicted of a criminal offense involving the prescription, consumption, or
10 self-administering of any of the substances described in subdivisions (a) and (b) of this section ...
11 in which event the record of the conviction is conclusive evidence thereof.

12

13 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
14 entries in any hospital, patient, or other record pertaining to the substances described in
15 subdivision (a) of this section.

16 7. Section 2765 of the Code states:

17 A plea or verdict of guilty or a conviction following a plea of nolo contendere
18 made to a charge substantially related to the qualifications, functions and duties of a registered
19 nurse is deemed to be a conviction within the meaning of this article. The board may order the
20 license or certificate suspended or revoked, or may decline to issue a license or certificate.

21 8. Health and Safety Code section 11170 states that no person shall
22 prescribe, administer or furnish a controlled substance for himself.

23 9. Health and Safety Code section 11173(a) states that no person shall obtain
24 or attempt to obtain controlled substances, or procure or attempt to procure the administration of
25 or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
26 (2) by the concealment of a material fact.

27 10. California Code of Regulations, title 16, section 1442 states that as used
28 in Section 2761 of the Code, "gross negligence" includes an extreme departure from the standard

1 of care which, under similar circumstances, would have ordinarily been exercised by a competent
2 registered nurse. Such an extreme departure means the repeated failure to provide nursing care
3 as required or failed to provide care or to exercise ordinary precaution in a single situation which
4 the nurse knew, or should have known, could have jeopardized the client's health or life.

5 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
6 request the administrative law judge to direct a licentiate found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 DRUGS

10 "Demerol," a brand of meperidine hydrochloride, is a Schedule II controlled
11 substance as designated by Health and Safety Code section 11055(c)(17).

12 FIRST CAUSE FOR DISCIPLINE

13 (Obtaining and Possession of Controlled Substances)

14 12. Respondent's Registered Nurse License is subject to disciplinary action
15 under section 2761(a) of the Code, for unprofessional conduct as defined in section 2762(a) of
16 that Code, in that on August 21, 1999, while on duty as a registered nurse at Desert Regional
17 Medical Center, Palm Springs, California, respondent committed acts as follows:

18 a. She obtained Demerol, a controlled substance, by fraud, deceit,
19 misrepresentation or subterfuge, by taking the drugs from hospital supplies, a violation of Health
20 and Safety Code section 11173(a).

21 b. She possessed Demerol, a controlled substance, without lawful authority
22 thereof, for her own use, a violation of Health and Safety Code section 11350(a).

23 c. She self administered Demerol, a controlled substance, in violation of
24 Health and Safety Code section 11170.

25 SECOND CAUSE FOR DISCIPLINE

26 (Use of A Controlled Substance)

27 13. Respondent's Registered Nurse License is subject to disciplinary action
28 under section 2761(a) of the Code, for unprofessional conduct as defined in section 2762(b) of

1 that Code, in that on August 21, 1999, while on duty as a registered nurse at Desert Regional
2 Medical Center, Palm Springs, California, respondent used Demerol, a controlled substance, to
3 such an extent or in a manner dangerous or injurious to herself and others.

4 THIRD CAUSE FOR DENIAL OF APPLICATION

5 (Dishonest, Fraudulent And Deceitful Acts)

6 14. Respondent is subjected to disciplinary action under Code section 2761(a)
7 on the grounds of unprofessional conduct for acts involving dishonesty, fraud and deceit. In an
8 attempt to explain why she had tested positive for Demerol on August 21, 1999, respondent told
9 staff at Desert Regional Medical Center that she had underwent cosmetic surgery on August 20,
10 1999 and her doctor had given her Demerol 100 mg with Vistaril 50mg. Respondent gave Desert
11 Regional Medical Center copies of medical records from her alleged cosmetic surgery that took
12 place on August 20, 1999. The facility name on the medical records had been partially whited-
13 out and the records stated that Dr. Chen was the service provider on August 20, 1999. Dr. Chen
14 verified that he had treated respondent in the past but that he did not treat respondent on August
15 20, 1999 and that he did not prepare the medical records that respondent had submitted to Desert
16 Regional Medical Center regarding the surgery. Respondent altered or had altered the medical
17 records that she submitted to her employer knowing they were false in an attempt to coverup her
18 unlawful use of Demerol. Respondent is subject to disciplinary action under Code section
19 2761(a) on the grounds of unprofessional conduct for her acts involving dishonesty, fraud and
20 deceit.

21 FOURTH CAUSE FOR DENIAL OF APPLICATION

22 (Dishonest, Fraudulent And Deceitful Acts)

23 15. Respondent is subjected to disciplinary action under Code section 2761(a)
24 on the grounds of unprofessional conduct for acts involving dishonesty, fraud and deceit. In an
25 attempt to explain why she had tested positive for Demerol on August 21, 1999, respondent
26 submitted to the Board of Registered Nursing a letter from Dr. Michael V. Elam dated November
27 27, 2000, stating that respondent had a cosmetic procedure performed on August 20, 1999 and
28 that Demerol was prescribed for post operative pain. Dr. Elam reviewed the November 27, 2000

1 letter and the medical records respondent submitted to Desert Regional Medical Center in
2 paragraph 14 above. Dr. Elam verified that he did not author the November 27, 2000 letter and
3 that he had nothing to do with the preparation of the medical records respondent submitted to her
4 employer. Respondent forged or had forged the November 27, 2000 letter and submitted it to the
5 Board of Registered Nursing knowing it was false in an attempt to coverup her unlawful use of
6 Demerol. Respondent is subject to disciplinary action under Code section 2761(a) on the
7 grounds of unprofessional conduct for her acts involving dishonesty, fraud and deceit.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(False Entries in Hospital Records)**

10 16. Respondent's Registered Nurse License is subject to disciplinary action
11 under section 2761(a) of the Code, for unprofessional conduct as defined by section 2762(e) of
12 that Code, in that between approximately July 14, 1999 through approximately August 21, 1999,
13 while on duty as a registered nurse at Desert Regional Medical Center, Palm Springs, California
14 respondent falsified, made grossly incorrect and grossly inconsistent entries in hospital and
15 patient records in the following respects:

16 **Patient No. 346600 (FL)**

17 a. On July 14, 1999, at 12:07 p.m., she signed out 100 mgs of Demerol, a
18 controlled substance, for patient FL, but failed to chart the administration of any portion of the
19 Demerol in the patient's medication administration record or nurses notes or otherwise account
20 for the disposition of the Demerol in any hospital record.

21 **Patient No. 553264 (JS)**

22 b. On July 22, 1999, at 6:15 p.m., she signed out 75 mgs of Demerol, a
23 controlled substance, for patient JS, but failed to chart the administration of any portion of the
24 Demerol in the patient's medication administration record or nurses notes or otherwise account
25 for the disposition of the Demerol in any hospital record.

26 **Patient No. 554099 (CR)**

27 c. On August 18, 1999, at 5:43 p.m., she signed out 100 mgs of Demerol, a
28 controlled substance, for patient CR, but failed to chart the administration of any portion of the

1 Demerol in the patient's medication administration record or nurses notes or otherwise account
2 for the disposition of the Demerol in any hospital record.

3 **Patient No. 0490431 (BK)**

4 d. On August 21, 1999, at 8:30 a.m., she signed out 100 mgs of Demerol, a
5 controlled substance, for patient BK, but failed to chart the administration of any portion of the
6 Demerol in the patient's medication administration record or nurses notes or otherwise account
7 for the disposition of the Demerol in any hospital record.

8 e. On August 21, 1999, at 9:10 a.m., she signed out 100 mgs of Demerol, a
9 controlled substance, for patient BK, but failed to chart the administration of any portion of the
10 Demerol in the patient's medication administration record or nurses notes or otherwise account
11 for the disposition of the Demerol in any hospital record.

12 **Patient No. 0009877 (WW)**

13 f. On August 21, 1999, at 11:57 a.m., she signed out 100 mgs of Demerol, a
14 controlled substance, for patient WW, charted the wastage of 50 mgs of Demerol, but failed to
15 chart the administration of the remaining 50 mgs of Demerol in the patient's medication
16 administration record or nurses notes or otherwise account for the disposition of the remaining 50
17 mgs of Demerol in any hospital record.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Gross Negligence)**

20 17. Respondent's Registered Nurse License is subject to disciplinary action
21 under section 2761(a)(1) of the Code, in that between approximately July 14, 1999 through
22 approximately August 21, 1999, while on duty as a registered nurse at Desert Regional Medical
23 Center, Palm Springs, California, respondent committed acts constituting gross negligence within
24 the meaning of California Code of Regulations, title 16, section 1442. The circumstances are as
25 set forth in paragraphs 12 through 16, inclusive and each of them, which are incorporated herein
26 by reference.

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1 sobriety test, was arrested and transported to the police station where she was asked to
2 supply a urine sample. When respondent was escorted to the restroom, respondent
3 attempted to fill the specimen bottle with water from the toilet. At this point, respondent
4 was advised that the only option now available to her was a blood sample, which she
5 refused to provide. Because respondent refused to give a blood sample, her driver's
6 license was suspended.

7 **EIGHTH CAUSE FOR DISCIPLINE**

8 **(Conviction of a Crime Substantially Related to the Duties of a Registered Nurse)**

9 19. Respondent is further subject to disciplinary action for unprofessional
10 conduct under section 2761(a) on the grounds of unprofessional conduct as defined in section
11 2761(f) of that Code in that respondent was convicted of a crime substantially related to the
12 qualifications, functions and duties of a registered nurse as set forth in paragraph 18 above,
13 which is realleged and incorporated herein by reference.

14 **NINTH CAUSE FOR DISCIPLINE**

15 **(Use of Alcohol)**

16 20. Respondent is subject to discipline under Code section 2761(a) on the
17 grounds of unprofessional conduct as defined by section 2762(b) of that code, when she used
18 alcohol to such an extent or in a manner as to be dangerous or injurious to herself and others, as
19 set forth in paragraph 18 above, which is realleged and incorporated herein by reference.

20 **PRAYER**

21 **WHEREFORE**, Complainant requests that a hearing be held on the matters
22 herein alleged and that following the hearing the Board of Registered Nursing issue a decision:

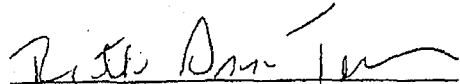
23 1. Revoking or suspending Registered Nurse License Number 387775 issued
24 to Janet K. King;

25 2. Ordering Janet K. King to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case pursuant to Business and
27 Professions Code section 125.3; and

28 ///

3. Taking such other and further action as deemed necessary and proper.

DATED: 6/12/02


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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SD2001AD0159
rim (5/24/02)

PCA

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of the State of California
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Facsimile: (619) 645-2061
7 Attorneys for Complainant
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9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2002-27

14 **JANET K. KING**
31850 San Luis Rey, Apt. 74
15 Cathedral City, California 92234

ACCUSATION

16 Registered Nurse License No. 387775

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 2. On or about August 31, 1985, the Board of Registered Nursing issued
24 Registered Nurse License Number 387775 to Janet K. King ("Respondent"). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on February 28, 2003 unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions. . . .

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or

1 injurious to himself or herself, any other person, or the public or to the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
3 license.

4
5 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
6 entries in any hospital, patient, or other record pertaining to the substances described in
7 subdivision (a) of this section."

8 7. Health and Safety Code section 11170 states that no person shall
9 prescribe, administer, or furnish a controlled substance for himself.

10 8. Health and Safety Code section 11173(a) states that no person shall obtain
11 or attempt to obtain controlled substances, or procure or attempt to procure the administration of
12 or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
13 (2) by the concealment of a material fact.

14 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
15 request the administrative law judge to direct a licentiate found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 DRUGS

19 "Demerol," a brand of meperidine hydrochloride, is a Schedule II controlled
20 substance as designated by Health and Safety Code section 11055(c)(17).

21 FIRST CAUSE FOR DISCIPLINE

22 (Obtaining and Possession of Controlled Substances)

23 10. Respondent's Registered Nurse License is subject to disciplinary action
24 under section 2761(a) of the Code, for unprofessional conduct as defined in section 2762(a) of
25 that Code, in that on August 21, 1999, while on duty as a registered nurse at Desert Regional
26 Medical Center, Palm Springs, California, respondent committed acts as follows:

27 ///

28 ///

1 a. She obtained Demerol, a controlled substance, by fraud, deceit,
2 misrepresentation or subterfuge, by taking the drugs from hospital supplies, a violation of Health
3 and Safety Code section 11173(a).

4 b. She possessed Demerol, a controlled substance, without lawful authority
5 thereof, for her own use, a violation of Health and Safety Code section 11350(a).

6 c. She self administered Demerol, a controlled substance, in violation of
7 Health and Safety Code section 11170.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Use of A Controlled Substance)**

10 11. Respondent's Registered Nurse License is subject to disciplinary action
11 under section 2761(a) of the Code, for unprofessional conduct as defined in section 2762(b) of
12 that Code, in that on August 21, 1999, while on duty as a registered nurse at Desert Regional
13 Medical Center, Palm Springs, California, respondent used Demerol, a controlled substance, to
14 such an extent or in a manner dangerous or injurious to himself and others.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Inconsistent Entries in Hospital Records)**

17 12. Respondent's Registered Nurse License is subject to disciplinary action
18 under section 2761(a) of the Code, for unprofessional conduct as defined by section 2762(e) of
19 that Code, in that between approximately July 14, 1999 through approximately August 21, 1999,
20 while on duty as a registered nurse at Desert Regional Medical Center, Palm Springs, California
21 respondent falsified, made grossly incorrect and grossly inconsistent entries in hospital and
22 patient records in the following respects:

23 **Patient No. 346600 (FL)**

24 a. On July 14, 1999, at 12:07 p.m., she signed out 100 mgs of Demerol, a
25 controlled substance, for patient FL, but failed to chart the administration of any portion of the
26 Demerol in the patient's medication administration record or nurses notes or otherwise account
27 for the disposition of the Demerol in any hospital record.

28 ///

1 **Patient No. 553264 (JS)**

2 b. On July 22, 1999, at 6:15 p.m., she signed out 75 mgs of Demerol, a
3 controlled substance, for patient JS, but failed to chart the administration of any portion of the
4 Demerol in the patient's medication administration record or nurses notes or otherwise account
5 for the disposition of the Demerol in any hospital record.

6 **Patient No. 554099 (CR)**

7 c. On August 18, 1999, at 5:43 p.m., she signed out 100 mgs of Demerol, a
8 controlled substance, for patient CR, but failed to chart the administration of any portion of the
9 Demerol in the patient's medication administration record or nurses notes or otherwise account
10 for the disposition of the Demerol in any hospital record.

11 **Patient No. 0490431 (BK)**

12 d. On August 21, 1999, at 8:30 a.m., she signed out 100 mgs of Demerol, a
13 controlled substance, for patient BK, but failed to chart the administration of any portion of the
14 Demerol in the patient's medication administration record or nurses notes or otherwise account
15 for the disposition of the Demerol in any hospital record.

16 e. On August 21, 1999, at 9:10 a.m., she signed out 100 mgs of Demerol, a
17 controlled substance, for patient BK, but failed to chart the administration of any portion of the
18 Demerol in the patient's medication administration record or nurses notes or otherwise account
19 for the disposition of the Demerol in any hospital record.

20 **Patient No. 0009877 (WW)**

21 f. On August 21, 1999, at 11:57 a.m., she signed out 100 mgs of Demerol, a
22 controlled substance, for patient WW, charted the wastage of 50 mgs of Demerol, but failed to
23 chart the administration of the remaining 50 mgs of Demerol in the patient's medication
24 administration record or nurses notes or otherwise account for the disposition of the remaining 50
25 mgs of Demerol in any hospital record.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 13. Respondent's Registered Nurse License is subject to disciplinary action
4 under section 2761(a)(1) of the Code, in that between approximately July 14, 1999 through
5 approximately August 21, 1999, while on duty as a registered nurse at Desert Regional Medical
6 Center, Palm Springs, California, respondent committed acts constituting gross negligence within
7 the meaning of California Code of Regulations, title 16, section 1442. The circumstances are as
8 set forth in paragraphs 8 through 10, inclusive and each of them, which are incorporated herein
9 by reference.

10 **PRAYER**

11 **WHEREFORE**, Complainant requests that a hearing be held on the matters
12 herein alleged and that following the hearing the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 387775 issued
14 to Janet K. King;
- 15 2. Ordering Janet K. King to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case pursuant to Business and
17 Professions Code section 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 8/30/01

20
21
22 *Ruth Ann Terry*
23 RUTH ANN TERRY, M.P.H./R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant